



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to:

OSB1997-0774

June 18, 1997

Don Ostby  
Forest Supervisor  
Umpqua National Forest  
P.O. Box 1008  
Roseburg, OR 97470

Cary Osterhaus  
District Manager  
Roseburg BLM District  
777 NW Garden Valley Blvd.  
Roseburg, OR 97470

Re: ESA section 7 consultation on timber sales on the Umpqua National Forest and  
Roseburg BLM District, Umpqua River Basin

Dear Mr. Ostby and Mr. Osterhaus:

This letter represents NMFS' biological opinion, pursuant to Section 7(b) of the Endangered Species Act (ESA), that the effects of certain timber harvest and associated activities, together with cumulative effects and the effects of the environmental baseline, are not likely to jeopardize the continued existence of certain listed, proposed, and candidate fish species. This letter also authorizes incidental take associated with the subject timber sales. In making these determinations the National Marine Fisheries Service (NMFS) applies the methodology discussed in the NMFS document entitled "Application of Endangered Species Act Standards to: Umpqua River Cutthroat Trout, Oregon Coast Coho Salmon, . . . Oregon Coast Steelhead . . . For Federal Land Management Conferences and Consultations", February, 1997. A copy of this document is Attachment 1 to this letter.

The Land and Resource Management Plan for the Umpqua National Forest and the Resource Management Plan for the Roseburg BLM District were recently the subject of a formal programmatic ESA consultation that was concluded when NMFS issued its Biological Opinion and Conference Opinion concerning the effects of their implementation on these same species, dated March 18, 1997. That opinion provides an important basis for many of NMFS' determinations documented by this letter. Hereafter that programmatic opinion is referred to as LRMP/RMP Opinion (NMFS 1997b).

Biological assessments (BAs), as amended, describe in detail the timber sales listed below in Table 1 in the Umpqua National Forest (UNF) and Roseburg Bureau of Land Management (BLM) District on Umpqua River (UR) cutthroat trout. These BAs were received by NMFS on August 26 and August 29, 1996, respectively. Amendments and other supplemental information to the UNF BA were dated March 12 and April 15, 1997. Amendments and other supplemental information to the Roseburg BLM District BA were dated September 20 and October 31, 1996 and January 10, February 26, April 23, May 9, and May 19, 1997. The Level I team for implementation of each of the subject timber



sales determined that the subject sales are “likely to adversely affect” (LAA) the listed UR cutthroat trout therefore requiring a formal ESA consultation and this biological opinion. The UNF and Roseburg BLM District also requested conferencing on the effects of the subject actions on Oregon coast (OC ) coho salmon and OC steelhead trout. This letter is also a conference opinion with respect to those species, as provided for in 50 C.F.R. § 402.10(d). The letters which accompanied the BAs stated, and NMFS concurs, that all effects determinations are the same for the three species.

### **Biological Requirements, Environmental Baseline and Cumulative Effects**

The UR cutthroat trout (*Oncorhynchus clarki clarki*) was listed as endangered under the ESA by the NMFS (August 9, 1996, 61 FR 41514). The OC coho salmon (*O. kisutch*) and OC steelhead trout (*O. mykiss*) Evolutionarily Significant Units (ESUs) were proposed as threatened under the ESA by NMFS (July 25, 1995, 60 FR 38011 and August 9, 1996, 61 FR 41541). The OC coho salmon ESU was reclassified as a candidate for listing under ESA by NMFS (May 6, 1997, 62 FR 24588). NMFS has not yet proposed or designated critical habitat for these species.

The biological requirements of each of these ESUs is discussed in the LRMP/RMP opinion, NMFS (1997b). Environmental baseline conditions in the Umpqua Basin are discussed on pages 7-10 of NMFS (1996) and pages 13-14 of NMFS (1997b). Cumulative effects as defined under 50 CFR 402.02 are discussed for the Umpqua Basin on pages 12-13 of NMFS (1996). These respective analyses are incorporated herein by this reference. NMFS is not aware of any newly available information that would materially change these previous analyses of biological requirements, environmental baseline or cumulative effects for the purpose of this opinion.

### **Proposed and Ongoing Actions**

The Roseburg BLM District proposes regeneration harvest (clear cutting) for all harvest units in the Old Dillard, Lean Louis, Lower Conley, Broken Buck, Four Gates, High Noon, Cobble Creek, Rightview, and Hello Folley Timber Sales. The Bit-of-Honey Timber Sale would involve 69 acres of regeneration harvest, 61 acres of commercial thinning, and 25 acres of partial cut. The Olalla Wildcat Timber Sale would involve 14 acres of regeneration harvest and 10 acres of commercial thinning. The Coon Creek, O.M. Hubbard, and Foghorn Cleghorn sales would involve commercial thinning only. The Roseburg BLM District also to construct new permanent roads as part of the Rightview, Bit-Of-Honey, Cobble Creek, Old Dillard, High Noon, Lean Louis, and Four Gates Timber Sales and Foghorn Cleghorn Commercial Thin Sale. Semi-permanent or temporary roads would also be constructed in the Rightview, Bit-of-Honey, Cobble Creek, Old Dillard, High Noon, Lean Louis, Four Gates, Broken Buck, Hello Folley, Lower Conley, and Olalla Wildcat Timber Sales and the Coon Creek Commercial Thin Sale areas. No new roads would be constructed for the Bolt Cutter Timber Sale. No timber harvest is planned in Riparian Reserves for any of the timber sales.

On the UNF, the I-5 and Rumble Timber Sales have been partially completed. Some remaining uncut harvest units are proposed for regeneration harvest. All road construction on these sales has already been completed.

Additional mitigation measures to bring the timber sales into compliance with Northwest Forest Plan's Aquatic Conservation Strategy (ACS) objectives included road decommissioning, decreasing the mileage of new permanent road to be constructed, changing proposed permanent road to semi-permanent roads, changing proposed semi-permanent roads to temporary roads, replacing of undersized culverts, rock surfacing some roads, rocking some ditchlines, and revegetating fill slopes. These are described in detail in the BAs and their amendments .

### **Effects of the Actions**

The effects of each of these timber sales on these salmonid stocks and their habitat is presented in the BAs prepared by the action agencies and reviewed by the Level 1 teams on which NMFS was represented. NMFS finds those descriptions to be adequate for this analysis and as part of the basis for the determinations of this letter.

Additionally, a detailed discussion of the potential effects of timber harvest and associated activities on salmonid habitat is presented in the NMFS document entitled "Potential Effects of Timber Harvest and Associated Activities on Salmonid Habitat" (hereinafter referred to as "NMFS 1997a"). A copy of the document is Attachment 2 to this letter and is incorporated herein by this reference. Similarly, a general discussion of the potential effects of associated road construction on salmonids and their habitat is provided in LRMP/RMP biological opinion, NMFS (1997b). NMFS has considered the applicability of these analyses to each of the timber sales identified in the BAs and in Table 1 of this letter. NMFS is not aware of any special characteristics of the particular sales that would cause greater or materially different effects on the subject salmonid species and their habitat than is discussed in these references. Similarly NMFS is not aware of any newly available information that would materially change these previous effects analyses.

NMFS concludes that, when the effects of these proposed and ongoing site specific actions are added to the environmental baseline and cumulative effects occurring in the relevant action areas, they are not likely to jeopardize the continued existence of UR cutthroat trout, OC coho salmon, or OC steelhead trout. In reaching this conclusion NMFS has utilized the best scientific and commercial data available as documented herein and by the BAs and documents incorporated by reference.

## **Incidental Take Statement**

Effects resulting from road construction (e.g. sedimentation) are expected to be the primary source of incidental take associated with the proposed timber sales listed in Table 1 below. The NMFS expects that the incidental take associated with the other effects (discussed in NMFS 1997a, Attachment 2) of the subject timber sales will be minimal.

Adverse effects of management actions such as these are largely unquantifiable in the short-term, and may not be measurable as long-term effects on the species habitat or population levels. Therefore, even though the NMFS expects some low level of incidental take to occur due to these actions, the best scientific and commercial data available are not sufficient to enable NMFS to estimate a specific amount of incidental take to the species themselves.

The incidental take statement in the LRMP/RMP opinion provided reasonable and prudent measures and terms and conditions to avoid or minimize the take of listed salmonids from actions involving road construction (pages 65 and 70-72) that may be applied to site specific actions if appropriate. According to the procedural expectations of that programmatic biological opinion, NMFS (1997b), the Umpqua Level I team discussed the subject timber sales on the UNF and Roseburg BLM at an April 4, 1997 meeting in Roseburg, Oregon and at several earlier meetings. The Level I team found that the subject timber sales, as amended, are consistent with LRMP/RMP standards and guidelines and Aquatic Conservation Strategy objectives and therefore found that reasonable and prudent measure #8, and corresponding terms and conditions # 8a-8f regarding road construction in NMFS (1997b) are appropriate for these timber harvest activities.

NMFS hereby applies the findings, reasonable and prudent measures, and terms and conditions set forth in the Incidental Take Statement of the programmatic LRMP/RMP Opinion (NMFS 1997b) to these site specific road construction actions. Copies of the incidental take provisions of the LRMP/RMP Opinion are Attachment 3 to this letter.

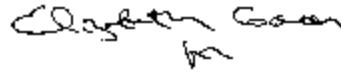
To the minimal extent that incidental take may result from the non-road construction aspects of these subject timber sales, NMFS finds that it is appropriate to prescribe reasonable and prudent measures, with terms and conditions, to further minimize or avoid such incidental take. Based on the effects analysis presented in NMFS 1997a, Attachment 2, NMFS finds that the measures, terms and conditions proposed in that document are appropriate for these timber sales. Therefore NMFS further authorizes such minimal incidental take provided the Forest Service, BLM and their applicants comply with those measures, terms and conditions.

Reinitiation of consultation is required if: (1) the amount or extent of taking specified in the incidental take statement, above, is exceeded, (2) the action is modified in a way that causes an effect on the listed species that was not previously considered in the BA and this biological

opinion; (3) new information or project monitoring reveals effects of the action that may affect listed species in a way not previously considered; or (4) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

Questions regarding consultation and conferencing on these actions should be directed to Lance Smith at 503-231-2307 or Ron Lindland at 503-231-2315.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stelle, Jr.", with a stylized flourish underneath.

William Stelle, Jr.  
Regional Administrator

Attachments

cc: J. Dose - UNF  
D. Rivard - Roseburg BLM

Table 1. Ongoing and proposed timber sales covered by this Opinion.

<b>Roseburg BLM District</b>	
Old Dillard	High Noon
Lean Louis	Cobble Creek
Bit-of-Honey	Bolt Cutter
Lower Conley	Coon Creek Commercial Thin
Broken Buck	O.M. Hubbard Commercial Thin
Four Gates	Foghorn Cleghorn Commercial Thin
Rightview	
Hello Folly	
Olalla Wildcat	
<b>Umpqua National Forest</b>	
I-5	
Rumble	

## References

National Marine Fisheries Service (NMFS). 1997a. The potential effects of timber harvest and associated activities on salmonid habitat. June 18.

National Marine Fisheries Service (NMFS). 1997b. Biological Opinion and Conference Opinion on Implementation of Land and Resource Management Plans (USFS) and Resource Management Plans (BLM) on the Oregon Coast. NMFS Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. March 18.

National Marine Fisheries Service (NMFS). 1996. Biological Opinion on Ongoing and Proposed (through 12/31/96) Actions Affecting Umpqua River Cutthroat Trout. NMFS, Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. February 26..